

# **TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark A. Kutney, AICP, Development Services Director  
954-797-1101

**SUBJECT:** Resolution

Resolution to expand the boundaries of the Zoning in Progress for the Rural Lands Initiative.

**AFFECTED DISTRICTS:** District 1, District 2, District 3, and District 4

**TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14TH STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.

**REPORT IN BRIEF:**

The Town Council has initiated a zoning in progress, established to provide regulations to assist in the preservation of the rural character of Davie, on July 3, 2001, for the area bound by Nob Hill Road on the east, SW 14th Street on the north, and the Town boundaries on the west and east. Additional parameters include property with a land use classification of 1 unit per acre and an overall parcel size of greater than 20 acres.

The Town Council has discussed expanding the boundaries of the previously established zoning in progress (ZIP). The adoption of a Resolution, approving such a zoning in progress, is one mechanism, recognized by the courts, to legalize initiate such a zoning in progress, with the intent that the Town will work during such time to development guidelines to implement the goals established at the initiation of the zoning in progress.

Upon analysis of other areas within the Town meeting the requirements for the previously established zoning in progress, it was determined that two sections on the east side of Davie also meet the parameters established by Council. In addition, there are

approximately 13 vacant parcels of land, either as stand alone parcels, multiple parcels under joint ownership, or vacant parcels adjacent to each other within these areas. Placing this area under the zoning in progress provides the area an opportunity to utilize the progress already made to develop regulations and programs with the ultimate goal of preserving the characteristics identified as rural within the entire Town. This is the area bound by Griffin Road on the north, Florida Turnpike on the east, University Drive on the west, and Stirling Road on the south.

Upon Town Council approval, staff recommends preparing an Ordinance and taking such proposal through the Local Planning Agency for recommendation and Town Council for final approval and adoption.

**PREVIOUS ACTIONS:** The Town council initiated the zoning in progress on a motion made by Vice-Mayor Paul and seconded by Councilmember Truex on July 3, 2001 (motion carried 5-0).

**CONCURRENCES:** None

**FISCAL IMPACT:**

Has request been budgeted?   yes   no

    If yes, expected cost: \$

        Account Name:

    If no, amount needed: \$

        What account will funds be appropriated from:

Additional Comments:

**RECOMMENDATION(S):** Motion to approve.

**Attachment(s):** Resolution, map of vacant land in Section 34-50-41 and 35-50-41

**RESOLUTION NO:**

**A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, INITIATING AND DECLARING A PLANNING AND ZONING IN PROGRESS FOR PROPERTIES BOUND BY GRIFFIN ROAD ON THE NORTH, THE FLORIDA TURNPIKE ON THE EAST, UNIVERSITY DRIVE ON THE WEST, AND STIRLING ROAD ON THE SOUTH, AND CONFIRMING THE EXISTING ZONING IN PROGRESS PREVIOUSLY DECLARED ON JULY 3, 2001, FOR THE AREA BOUND BY NOB HILL ROAD ON THE EAST, 14<sup>TH</sup> STREET ON THE NORTH, THE TOWN LIMITS ON THE WEST AND THE SOUTH, SAID ZONING IN PROGRESS APPLYING TO ALL PARCELS OF PROPERTY OF 20 ACRES IN SIZE OR GREATER, ALL PURSUANT TO SECTION 12-315 OF THE LAND DEVELOPMENT CODE OF THE TOWN OF DAVIE, FLORIDA, CONTAINING AN EFFECTIVE DATE.**

**WHEREAS, Section 12-315 of the Land Development Code of the Town of Davie authorizes the declaration of a planning and zoning in progress when a change in zoning district or land use designation boundaries, land use regulations, or amendment to the zoning and land development code is being considered by the Town Council; and**

**WHEREAS, such a change is being considered and studied by the Town Council for the following described area (hereinafter referred to as Area No. 1):**

**All properties within the area bounded by Griffin Road on the north, the Florida Turnpike on the east, University Drive on the west, and Stirling Road on the south.**

**WHEREAS, on July 3, 2001, the Town Council previously declared a zoning in progress pursuant to Section 12-315 for the following described area (hereinafter referred to as Area No. 2):**

**All property within the area bounded by Nob Hill Road on the east, 14<sup>th</sup> Street on the south, the Town limits on the west, and the Town limits on the south.**

**WHEREAS**, the Town will be considering regulations to preserve the rural lifestyle of the Town of Davie; and

**WHEREAS**, the Town Council is considering a change in zoning districts, land use regulations, or amendment to the zoning and land development code relating to Area No. 1 and Area No. 2 and such changes have been initiated by the Town Council and diligently developed and studied by staff and the Town Council; and

**WHEREAS**, the Town Council wishes to initiate and declare a zoning in progress for Area No. 1 and to confirm the existing zoning in progress for Area No. 2;

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA, AS FOLLOWS:**

**SECTION 1.** The above WHEREAS clauses are true and correct and made a part hereof as if fully set forth herein.

**SECTION 2.** The Town Council of the Town of Davie hereby confirms the zoning in progress previously declared on July 3, 2001, for Area No. 2, which zoning in progress is declared to be in full force and effect for a period of one year from the date that said zoning in progress was declared by the Town Council.

**SECTION 3.** The Town of Davie does hereby declare a planning and zoning in progress for Area No. 1. The planning and zoning in progress shall extend for a period of one year from the date of this resolution.

**SECTION 4.** The planning and zoning in progress as declared herein is declared pursuant to Section 12-315 of the Land Development Code of the Town of Davie. No development order, site plan approval, permit, or license of any kind shall be issued, and no change of occupancy shall occur if such development order, site plan approval, permit, license, or occupancy would result in a non-conforming or unlawful use of the property within Area No. 1 or the property within Area 2 should the proposed changes as being considered by the Town be adopted.

**SECTION 5.** This resolution shall apply to all parcels of 20 acres or greater.

**ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2002**

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**HARRY VENIS, MAYOR**

**ATTEST:**

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**CITY CLERK**

